Department of Pesticide Regulation

Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

April 30, 2007

Ms. Laurel Firestone
Community Water Center
P.O. Box 7774
Visalia, California 93290

Dear Ms. Firestone:

Thank you for your letter in which you request an expansion of the Parlier Environmental Justice (EJ) Pilot Project to include comprehensive monitoring of all of the domestic and municipal ground water wells that serve the community for all pesticides applied in the area that have been identified by the Department of Pesticide Regulation (DPR) as potential ground water contaminants. I apologize for the delay in responding. The health of any community is a concern to us and we are actively working to investigate and address possible risks associated with environmental exposures. Although you raise some legitimate points, as I explain below, the timing of your suggestions make it unfeasible for us to respond affirmatively.

I would like to begin by explaining the process we followed in setting up the Parlier project. The California Environmental Protection Agency's (Cal/EPA's) EJ Action Plan objectives include developing guidance on precautionary approaches and multi-media cumulative impacts analyses, improving public participation and community capacity-building, and ensuring EJ considerations in the Governor's Environmental Action Plan[1]. Cal/EPA identified various pilot projects as the primary mechanism for developing practical, community-based approaches to ensuring Agency-wide success in meeting the Plan objectives. The pilot projects incorporate themes from the Governor's Environmental Plan to protect air and water quality and focus on the assessment and identification of environmental risk factors that impact human health, especially that of children. While the Plan does not "provide direct solutions to EJ problems in a particular community,"[2] Cal/EPA has taken steps to ensure that pilot projects are community-based and include extensive public participation, advance the assessment and reduction of cumulative impacts that disproportionately affect EJ communities, have significant policy or regulatory ramifications, and, to the extent possible, incorporate a multi-media focus.[3]

---

[1] Cal/EPA October 2004 Environmental Justice Action Plan <http://www.calepa.ca.gov/EnvJustice/ActionPlan>.
[2] Cal/EPA October 2004 Environmental Justice Action Plan, Section 1.1.
[3] Goals for Pilot Project Inclusion in Cal/EPA Environmental Justice Pilot Projects, Adopted by Cal/EPA Advisory Committee on Environmental Justice for Recommendation to the Secretary and Interagency Working Group, June 2, 2005, Goal 3.

Following these guidelines, DPR developed the Parlier pilot project. In early 2005, DPR implemented a step-wise process to identify an appropriate community. By mid-2005, after selecting Parlier as the proposed project community, we formed the Parlier Local Advisory Group (LAG) and Technical Advisory Group (TAG). LAG and TAG participation assured broad community and technical participation in defining the project objectives and the experimental design. DPR initially proposed three specific objectives for the project. The LAG agreed with these objectives and suggested four additional objectives, which DPR adopted.

- Are residents of the community exposed to pesticides in the air?
- Which pesticides are people exposed to and in what amounts?
- Do measures pesticide air levels exceed levels of concern to human health, particularly children?
- Inform the community of projects, including public forums.
- Reduce pesticide risk.
- Conduct follow-up actions, such as education and/or regulatory actions.
- Evaluate the pesticide risk relative to other pollutants monitored.

In addition to recommending project objectives, the LAG strongly influenced the selection of pesticides and breakdown products for monitoring as well as the sampling media, frequency, and locations. LAG members understood that any proposed changes to the experimental design--whether analytical procedures, sampling frequency, or environmental media--would need to be considered within the context of technical and budgetary constraints. Throughout the process, when priorities emerged that completed for limited project funds, the LAG elected to maintain the air monitoring at a level which gave the most information possible.

Unlike other monitoring projects undertaken by DPR, the Department actively sought public input on the protocol for the Parlier project. The draft was posted online for public comment and discussed extensively at public meetings of the LAG. This process began on june 9, 2005, and continued for six months. During this time, DPR received numerous comments on the protocol from the public via the Web, U.S. mail, and at LAG meetings. LAG and TAG members also provided many comments. We revised the protocol in response to comments and it was approved by the LAG, TAG, and DPR in December 2005.[4] DPR initiated the project in January 2006 and concluded monitoring in December 2006. Had the issue of expanded ground water quality monitoring been raised during the public comment period in 2005, the LAG and TAG would

[4] Public comments have been compiled as an attachment to the approved, amended protocol <http://www.cdpr.ca.gov/docs/envjust/pilot_proj/lag/meetings/2006_mtgs/EJ_prot_first.pdf>. Meeting minutes and agendas are available at DPR's Home Page <htt;://www.cdpr.ca.gov/docs/envjust>.

have had an opportunity to evaluate the proposal to determine if it was in the best interest of the study and how the additional sampling would impact the project budget and the air monitoring sample plan.

Leaving aside the issues related to the Parlier pilot project, I appreciate your concern over, and request for, a comprehensive ground water quality monitoring program. DPR shares your interest in protecting ground water quality and has had a successful ground water protection program for over two decades. Comprehensive environmental monitoring, as described in your letter, is generally undertaken to provide data that will allow us to better understand complex contaminant transport processes or assess human health risks. During the last 25 years, through regulatory and research programs, public agencies have produced an enormous amount of ground water quality data. DPR's Well Inventory Database contains the results of over 1.6 million pesticide analyses submitted to DPR by the California Department of Health Services, the Department of Water Resources, the State Water Resources Control Board, and the U.S. Geological Survey, or generated through our own research and monitoring efforts. Since the mid-1980s, DPR scientists have monitored over 5,000 wells for the presence of 161 pesticide active ingredients and their breakdown products and have generated over 58,000 analytical results. While the data supplied by agencies such as the California Department of Health Services focuses on the deep municipal wells, DPR selectively monitors shallow, domestic wells because of their greater vulnerability to contamination. As a result, California's Central Valley is very well characterized with respect to the *known* ground water contaminants[5] (Figure 1). DPR also targets the Central Valley for monitoring of *potential* contaminants[6] due to its historic vulnerability to ground water contamination and the intensity of the agricultural pesticide use throughout the area (Figure 2).

In 2004, DPR implemented a new, preventive approach that placed restrictions on pesticide use in vulnerable areas of the State, which increased the area under regulation from 313,000 acres to about 2.4 million acres. If we determine that a previously undetected pesticide threatens to pollute ground water as a result of agricultural use, the ensuing regulatory actions would protect the location where the detection occurred and also our current restricted areas, which include Parlier. Through the work of DPR's scientific staff, we have created and carried out a ground water protection program that prevents contamination by pesticides previously unknown in California's ground water and mitigates further contamination by pesticides that have reached ground water due to agricultural use.

---

[5] Title 3, California Code of Regulations section 6800(a)--*known* ground water contaminants: aldicarb, atrazine, bentazon, bromacil, diuron, norflurazon, prometo, and simazine.

[6] Title 3, California Code of Regulations section 6800(b)--*potential* ground water contaminants, see list in regulation <http://www.cdpr.ca.gov/docs/inhouse/calcode/040101.htm#a6800>.

I appreciate the opportunity to learn more about the water quality concerns of Central Valley communities and to discuss the role we can play. Although we are not able to meet your specific request, I would like to begin a dialogue on the issues you raised. We will contact you to arrange a meeting.

Sincerely,

Mary-Ann Warmerdam
Director
(916) 445-4000

Enclosures

cc: Ms. Susana De Anda, Community Water Center (w/Enclosures)
Ms. Teresa De Anda, El Comite para el Bienestar de Earlimart (w/Enclosures)
Ms. Tracy Brieger, Californians for Pesticide Reform (w/Enclosures)
Ms. Chione Flegal, Latino Issues Forum (w/Enclosures)
Ms. Stephanie Camoroda, Latino Issues Forum (w/Enclosures)
Mr. Gustavo Aguirre, Center on Race Poverty & the Environment (w/Enclosures)
Ms. Andria Ventura, Clean Water Action (w/Enclosures)
Ms. Amy Vanderwalker, Environmental Justice Coalition for Water (w/Enclosures)
Parlier Local Advisory Group (w/Enclosures)
Parlier Technical Advisory Group (w/Enclosures)
Ms. Veda Federighi, DPR Assistant Director (w/Enclosures)

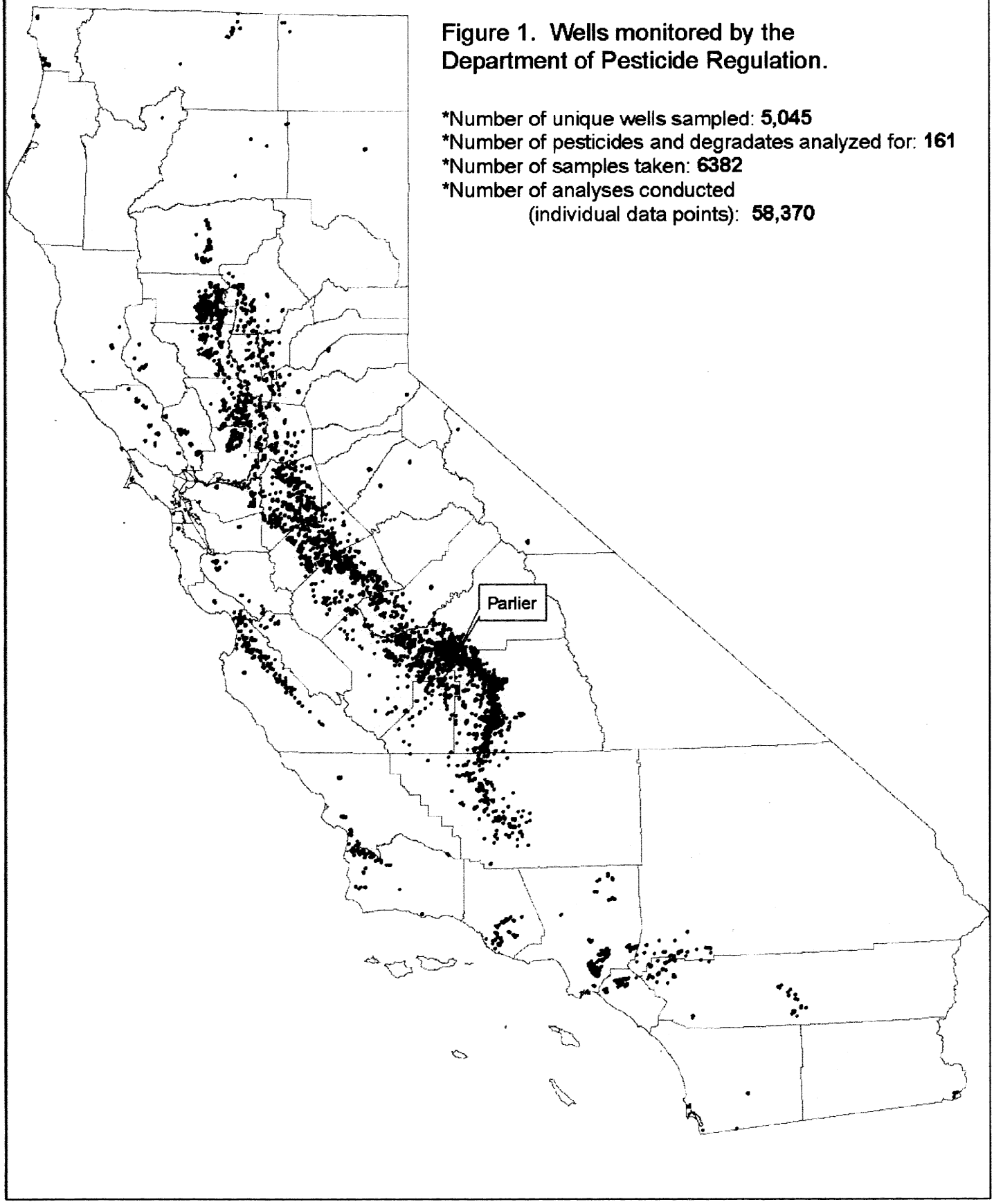

Figure 1. Wells monitored by the Department of Pesticide Regulation.

*Number of unique wells sampled: **5,045**
*Number of pesticides and degradates analyzed for: **161**
*Number of samples taken: **6382**
*Number of analyses conducted (individual data points): **58,370**

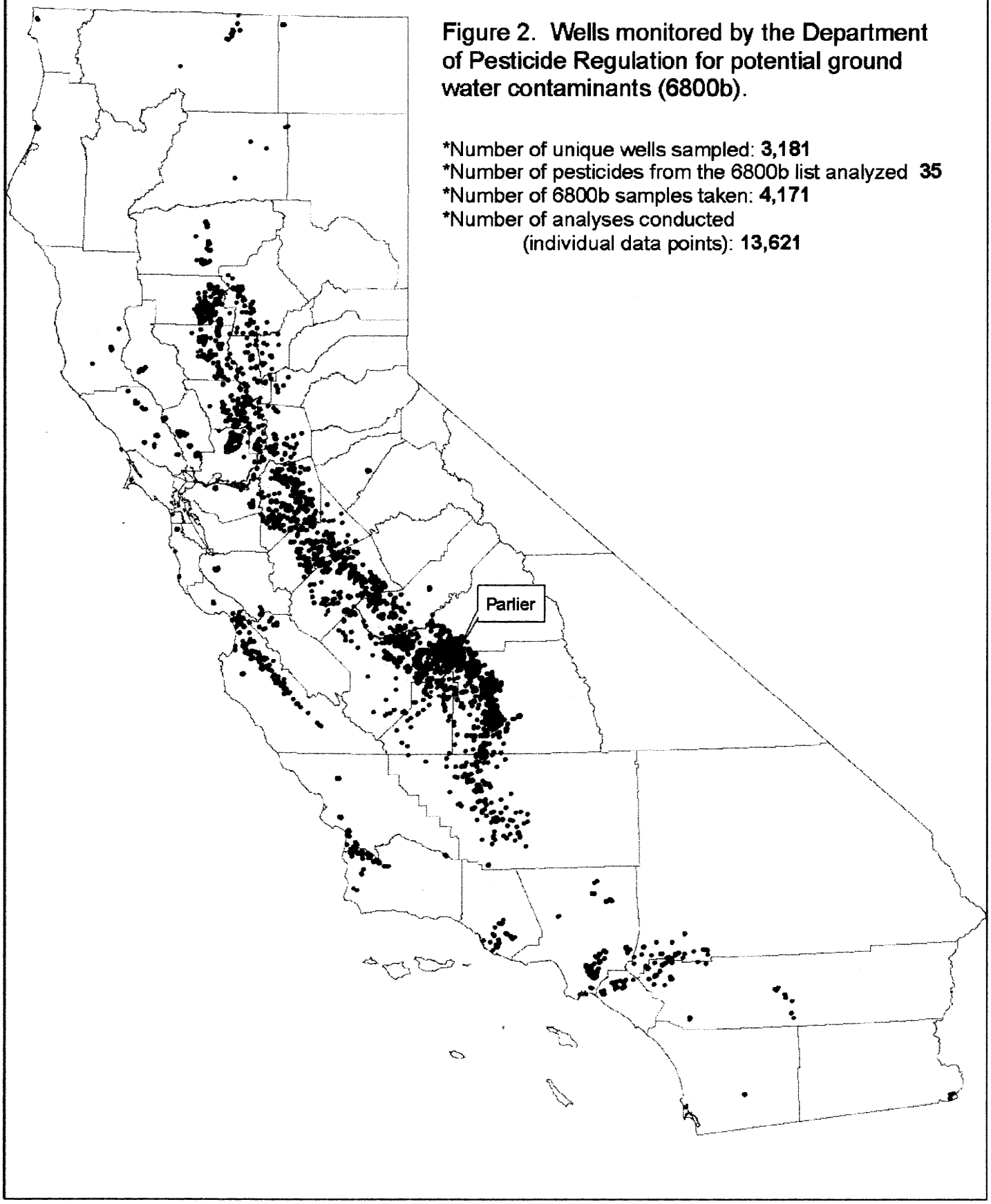

Figure 2. Wells monitored by the Department of Pesticide Regulation for potential ground water contaminants (6800b).

*Number of unique wells sampled: **3,181**
*Number of pesticides from the 6800b list analyzed **35**
*Number of 6800b samples taken: **4,171**
*Number of analyses conducted
(individual data points): **13,621**